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JOHN PETER LEE, LTD., and the ESTATE OF JOHN PETER LEE

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

) CASE NO.: 2:14-CV-01370-RFB-NJK

) STIPULATION AND PROPOSED
Plaintiffs,) ORDER, PURSUANT TO LOCAL
v.) RULE IA 6-1, TO EXTEND THE
) DEADLINE FOR FILING A PROPOSED
70 LIMITED PARTNERSHIP, a Nevada L.P.;) SCHEDULING ORDER
TERTIA DVORCHAK, as Special)
Administratrix of the Estate of Thomas T. Beam,) (Third Request)
Deceased; JOHN PETER LEE, LTD., a Nevada)
Professional Corporation; and JOHN PETER)
LEE, an Individual,)
Defendants.)
JOHN PETER LEE, LTD. and JOHN PETER)
LEE,)
Third-Party Plaintiff,)
v.)
HARLEY E. HARMON INSURANCE)
AGENCY, INC.,)
Third-Party Defendant.)

1 This matter was stayed effective December 5, 2014, when Magistrate Judge Nancy J. Koppe
2 issued an Order staying this action pending the resolution of the malpractice lawsuit, entitled *70*
3 *Limited Partnership, et al. v. John Peter Lee, Ltd., et al.*, Case No. A-13-691389-C, Eighth Judicial
4 District, State of Nevada, Clark County (“*Malpractice* action”).

5 The *Malpractice* action involved allegations of attorney malpractice by John Peter Lee, Ltd.,
6 and John Peter Lee in connection with their work on an inverse condemnation case, captioned *70*
7 *Limited Partnership, et al. v. McCarron International Airport and Clark County*, Clark County
8 District Court, Case no A572739 (“*McCarron* action”). Moreover, the case, captioned *F &C*
9 *Collections, Inc. and John Peter Lee, Ltd., v. Estate of Thomas T. Beam, Jimma Lee Beam*
10 *Revocable Trust, 70 Limited, LLC., Leigh, T&D, Inc., Jimma Lee Beam (deceased), Tertia Dvorchak*
11 *and Bank of Nevada*, Clark County District Court, Case No. A-13-680570-B (“*Collection* action”),
12 began when John Peter Lee, Ltd., sought to recover the fees/costs earned prosecuting the *McCarron*
13 action. The *Malpractice* action was filed after the *Collection* action approximately seven and one-
14 half months later. On or about April 25, 2014, the *Malpractice* action was consolidated with the
15 *Collection* action.

16 A settlement was reached in the *Collection* action, and *Malpractice* action was dismissed.
17 In light of these developments, the parties recently requested the Court lift the stay. The Court lifted
18 the Stay effective August 17, 2017, and ordered the parties to file a proposed scheduling order by
19 August 24, 2017.

20 This matter involves six parties. These parties are: (1) Evanston Insurance Company, (2)
21 70 Limited Partnership, (3) Tertia Dvorchak, (4) John Peter Lee, LTD., (5) the Estate of John Peter
22 Lee, and (6) Harley E. Harmon Insurance Agency, Inc. Evanston Insurance Company, is the
23 professional liability insurer of the deceased John Peter Lee and Mr. Lee’s law firm - John Peter
24 Lee, Ltd. Mr. Lee passed away during the time that this matter was stayed. 70 Limited
25 Partnership and Tertia Dvorchak brought the *Malpractice* action against Mr. Lee and John Peter
26 Lee, Ltd. The Estate of John Peter Lee and John Peter Lee, Ltd., filed a Third-Party Complaint
27 against John Peter Lee, Ltd.’s insurance broker, Harley E. Harmon Insurance Agency, Inc., for
28 claims related to the *Malpractice* action.

1 In the second half of August of 2017, the parties commenced settlement discussions. The
2 parties requested that the deadline for filing a proposed Scheduling Order be extended from August
3 24, 2017 to September 6, 2017, so that the parties would have time to continue their settlement
4 discussions. The Court granted the request and signed the Stipulation. Thereafter, the parties made
5 a second request that the deadline for filing a proposed Scheduling Order be extended from
6 September 6, 2017 to September 13, 2017, for the parties to continue their settlement discussions.
7 The Court granted the request and signed the Stipulation.

8 During the past three weeks, the parties have continued settlement discussions. All claims
9 between Evanston Insurance Company, on the one hand, and John Peter Lee, LTD., and the Estate
10 of John Peter Lee, on the other hand, have been tentatively settled. The claims asserted by Evanston
11 Insurance Company against Tertia Dvorchak and 70 Limited Partnership have been tentatively
12 settled. The only remaining claim is the claim of John Peter Lee, LTD., and the Estate of John Peter
13 Lee, on the other hand, against Harley E. Harmon Insurance Agency, Inc., on the other hand. There
14 are ongoing settlement negotiations related to the remaining claim.

15 The parties request that the deadline for filing a proposed Scheduling Order be extended 9
16 days to provide additional time for the parties involved to continue their settlement discussions. If
17 the remaining settlement discussions are successful, then the entire matter, including Counterclaims
18 and Third-Party Complaints, will be dismissed. If the settlement discussions are unsuccessful, then
19 the parties will prepare and file a proposed Scheduling Order on or before September 22, 2017.

20 The Parties hereby stipulate that the deadline to file the proposed Scheduling Order be
21 continued 9 days to September 22, 2017.

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2 DATED: September 13, 2017

YARON & ASSOCIATES

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17 JOHN PETER LEE, LTD., and ESTATE
18 OF JOHN PETER LEE

19
20 DATED: September 13, 2017

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Attorney for Plaintiff and Counter-
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EVANSTON INSURANCE COMPANY

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27 DATED: September 13, 2017

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35 AGENCY, INC.

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2 DATED: September 13, 2017
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WEINBERG, WHEELER, HUDGINS,
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14 By: *Jeremy R. Alberts*
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26 70 LIMITED PARTNERSHIP and
27 TERTIA DVORCHAK
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14 IT IS SO ORDERED
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17 UNITED STATES MAGISTRATE JUDGE
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DATED: September 14, 2017